

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF OHIO  
EASTERN DIVISION**

**ROOT, INC., *et al.*,**

**Plaintiffs,**

**v.**

**BRINSON CALEB SILVER, *et al.*,**

**Defendants.**

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**Case No. 2:23-cv-512**

**Judge Sarah D. Morrison**

**Magistrate Judge Elizabeth Preston Deavers**

**JOINT MOTION TO MODIFY THE CASE SCHEDULE**

Now comes Plaintiffs Root Inc., Caret Holdings, Inc., and Root Insurance Agency, LLC (“Plaintiffs” or “Root”) and the Court appointed receiver herein, Jerry E. Peer, Jr. (“Receiver”), and jointly move this Court for an order modifying the case schedule to allow the parties additional time to complete limited discovery.<sup>1</sup> A memorandum in support and proposed order are attached.

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<sup>1</sup> Root and the Receiver have not conferred with Defendant Silver regarding this motion because it is impractical given his incarceration. Nor have Root and the Receiver conferred with Defendants Collateral Damage, LLC or Eclipse Home Design, LLC because these entities are unrepresented and in default.

DATED: December 20, 2024

Respectfully submitted,

/s/ Jerry E. Peer, Jr.

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### **MEMORANDUM IN SUPPORT**

On February 1, 2024, the Court entered a scheduling ordering setting, *inter alia*, the discovery cutoff for December 1, 2024 and dispositive motion deadline for February 15, 2025. (ECF No. 234.) On February 14, 2024, following a status conference with the Court, the Court issued an Omnibus Order directing certain parties to exchange settlement demands and schedule mediation or notify the Court that the case was not yet ready to proceed to mediation. (ECF No. 242.) In the interim period, the parties have diligently focused on settlement negotiations and have resolved many aspects of this case including agreed dismissals of Plaintiff's claims against Defendant Paige McDaniel (ECF No. 276); Plaintiffs' claims against Defendants Quantasy, LLC, Quantasy & Associates LLC, and William Campbell ("Quantasy Defendants") (ECF No. 278); and the Quantasy Defendants' counterclaims against Plaintiffs (*id.*). As a result, the only remaining defendants in the case are Brinson Caleb Silver, Collateral Damage, LLC, and Eclipse Home Design, LLC.

As discussed with the Court during the September 30, 2024 status conference, the remaining parties, however, still have some work to do to prosecute this matter. For example:

- Plaintiffs will file a motion to compel against Defendant Silver that will either result in Silver's participation in discovery or establish his disobedience of the Court's discovery order warranting a default judgment against Silver. *See* Civ.R 37(b)(2)(A)(vi);
- The parties are investigating and pursuing Silver's assets held in a bank account located in Jakarta, Indonesia<sup>2</sup>;
- Plaintiffs are investigating and pursuing potential other vendors utilized by Silver to perpetrate his fraud and may require Court intervention should these vendors not cooperate with forthcoming subpoenas; and

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<sup>2</sup> *See* Receiver's Ninth Interim Report. (ECF No. 264 at 2.)

- The Clerk of Court has entered a default against Collateral Damage, LLC and Eclipse Home Design, LLC. In the event that Plaintiffs obtain default against Silver, Plaintiffs intend to seek a default judgment against Defendants Silver, Collateral Damage, LLC, and Eclipse Home Design, LLC.

Accordingly, Plaintiffs and the Receiver respectfully request that the remaining case deadlines be modified as follows:

<b>Event</b>	<b>Deadline</b>
Deadline to add additional parties	February 28, 2025
Discovery cutoff	May 1, 2025
Dispositive motions	June 2, 2025

Despite the significant progress so far, these dates will allow the parties additional time to diligently pursue the remaining work yet to be done in this case.

For the foregoing reasons, Plaintiffs and the Receiver respectfully request that the case schedule be modified as set forth herein.

/s/Jerry E. Peer

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*Counsel for Plaintiffs*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of the foregoing was served on this 20 December 2024, via CM/ECF upon all counsel of record and via regular mail upon Brinson Caleb Silver, Collateral Damage, LLC, and Eclipse Home Design, LLC as set forth below:

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Hamilton, OH 45011

**Collateral Damage, LLC**

c/o Butler County Jail  
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**Eclipse Home Design, LLC**

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/s/William D. Kloss, Jr.

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*Attorney for Plaintiffs*